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Examiner: Kinfc-Michael Negash

figures. Figs. 4A, 4B, and 4C along with page 16, line 4, through page 23, line clearly set forth each and every feature. As for "the identifying means" it is set forth, for example, that LTE processor 216 of first LTE 106 or LTE processor 218 of second LTE 114 for detecting equipment failure and the photodetector within one of the receivers 210 can detect loss of light corresponding to a line failure that is determined by the LTE processor 218. This information is communicated to the OCCS controller 111, which identifies the type of new failure. *See specifically page 18, lines 15-17.* As for "the determining means" it is set forth, for example, that the OCCS controller 111 retrieves the type of previous failure, thereby determining that there was a previous failure and how it is being restored. *See specifically page 19, lines 19-23.* As for "the notification means" it is set forth, for example, that LTE processor 216 and/or the processor 218 detect and notify the OCCS controller 111 of the subsequent failure. *See specifically pages 18 to 21.*

As for the means of claims 12, it is set forth that "the receiving notification means," for example, is achieved by one of the transmitters 206 and/or one of the receivers 210 that detects a failure and communicates that information to the corresponding processor 216 or 218, respectively. *See specifically page 17, lines 12-21.* Additionally, it is set forth that "the restoration determining means," for example, is achieved by the processor 216 and/or the processor 218 receiving information from the transmitters 206 and the receivers 210, respectively, for equipment failure and the photodiode within the LTE 114 or communication failure determined by the LTE 106; this information combined with the previous failure, as determined by the OCCS controller 111, in conjunction with information received from the processors 216 and/or 218 helps to determine if the failure is restorable via an optical cross connect switch. *See specifically pages 17, line 13 to page 19, line 2.* Finally, it is set forth the "the restoration command means," for example, is achieved through the OCCS controller 111 determining the type of failure based on the information received from the LTE 106 and/or the LTE 114. *See specifically page 19, line 3 through page 20, line 16.*

Thus, every element set forth in the claims is specifically shown in the drawings, which provide support for all of the claimed features. Consequently, Applicants request withdrawal of the Examiner's objection to the drawings as set forth in paragraph two of the Office Action.

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Claims 11-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As noted above, all the elements set forth in claims 11-16 are clearly shown in the drawing figures. *See Figures 4A-4C and pages 16 line 4 to page 23 line 9.* Furthermore, it is pointed out that each and every "means" identified in the claims does not require a one-to-one correspondence to a single identifiable element in the drawings; such "means" could be achieved by the combination of more than one element in the drawings as defined and set forth in the specification. Accordingly, Applicants request withdrawal of the Examiner's rejection of claims 11-16 as set forth in paragraph four of the Office Action.

Claims 1-3, 8-9, 11-13, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,218,465 to Lebby, et al. ("Lebby"). Additionally, claims 4-7, 10, 14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lebby. In paragraph 10(c), the Examiner has maintained his rejection in view of 35 USC 112, second paragraph, over Applicants' arguments concerning the 35 USC 102 and 103 rejections. Having overcome Examiner's rejection under 35 USC 112, second paragraph, as set forth above, Applicants hereby set forth arguments to overcome Examiner's rejection set forth in paragraphs six and nine of the Office Action. Specifically, Lebby teaches a detect circuit 40, without specifically showing the components therein as indicated by the Examiner, that detects failures in an optical path and sends a signal denoting that a failure has occurred. Lebby then teaches that when a failure is detected, then the data is "automatically switched" to a predetermined path. *See column 4 lines 24-37.* Thus, Lebby specifically teaches away from "determining whether a protect channel is restoring one of the one or more previous failures . . .," "determining whether a protect channel is restoring a previous failure . . .," or "enabling said processor to determine whether said subsequent failure is restorable via an optical cross connect switch . . ." as set forth in independent claims 1, 11, and 12, respectively. Accordingly, independent claims 1, 11, and 12 are deemed to be in condition for allowance. Therefore, Applicants request withdrawal of the Examiner's rejection of independent claims 1, 11, and 12 as set forth in paragraph six of the Office Action and full allowance of same.

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Claims 2-10 and 13-16 depend from and further limit, in a patentable sense, independent claims 1 and 12, respectively, and, hence, are also submitted to be in condition for allowance. Therefore, Applicants respectfully request withdrawal of the Examiner's rejection of claims 2-10 and 13-16, as set forth in paragraphs six and nine of the Office Action and full allowance of same.

While it is believed that the foregoing amendment places the Application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,



Jubin Dana
Attorney for Applicants
Registration No. 41,400

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MCIWORLDCOM, Inc.
1133 19th Street, N.W.
Washington, D.C. 20036

Phone: (972) 729-7379
Fax: (972) 729-7255